BEFORE THE WAITANGI TRIBUNAL WAI 2750

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF a proposed Housing Policy and Services Kaupapa Inquiry

MEMORANDUM OF COUNSEL FOR THE CROWN REGARDING CLAIMANT REQUEST FOR AN EXTENSION OF TIME

30 April 2018

RECEIVED
Waitangi Tribunal
30 April 2018
Ministry of Justice
WELLINGTON

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MAY IT PLEASE THE TRIBUNAL:

1. On 15 March 2018 the Chairperson issued memorandum-directions following the judicial conference held on 13 March 2018. The memorandum-directions noted that in the course of the judicial conference, various filing dates were agreed with counsel:[1]

    1.1 Parties are directed to file any new statements of claim or amended statements of claim relating to housing issues by 12pm, Friday 11 May 2018.

    1.2 Parties are to file submissions addressing the eligibility of the claim/s to participate in this kaupapa inquiry. These should be accompanied by a bibliography of research, that is either readily available, or may be available for a housing inquiry by 12pm, Friday 11 May 2018.

    1.3 Crown counsel are to file their response to new and amended statements of claim and accompanying submissions by 12pm, Friday 15 June 2018.

2. On 27 April 2018 counsel for Wai 58, Wai 972, Wai 2389, Wai 1661, Wai 1670, Wai 1843, and Wai 1940 (Morrison Kent) filed a memorandum seeking leave for an extension of time to file amended statements of claim and submissions addressing the eligibility of the claim/s to participate in this kaupapa inquiry until Friday 8 June 2018.[2] Claimant counsel submitted that "little or no prejudice will be caused to any other party should the leave sought be granted".[3]

3. Later in the day on 27 April, counsel for Wai 237, Wai 762, Wai 892, Wai 1531, Wai 1886, Wai 1992, Wai 2005, Wai 2063, Wai 2206, Wai 2376 and Wai 2377 (Tāmaki Legal) filed a memorandum similarly seeking an extension of time to file amended statements of claim and submissions addressing the eligibility of the claim/s until Friday 8 June 2018. Those counsel, too, submitted that "little or no prejudice will be caused to any other party should the leave sought be granted".[4]

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1 Wai 2750, #2.5.3 Memorandum-directions of chairperson following judicial conference held 13 March 2018 (15 March 2018) at [2].

2 Memorandum of counsel seeking extension to file amended statements of claim and submissions (27 April 2018) filed by Morrison Kent at [4].

3 Memorandum of counsel seeking extension to file amended statements of claim and submissions (27 April 2018) filed by Morrison Kent at [10].

4 Memorandum of counsel seeking extension to file amended statements of claim and submissions (27 April 2018) filed by Tāmaki Legal at [5].

4. Counsel for the Crown do not oppose the granting of the requested extension of time however submit the Crown will be prejudiced if the Tribunal grants the extension given the time for Crown counsel to file their responses would be considerably reduced. Presently Crown counsel are required to file responses to new and amended statements of claims and accompanying submissions by 12pm, Friday 15 June 2018.

5. Counsel for the Crown respectfully submit if the requested extension is granted to claimant counsel then a corresponding extension of the deadline for the Crown to file its response is appropriate. If the Tribunal were to grant the requested extension until 8 June the Crown's response should not be required until 13 July 2018.

30 April 2018

Jacki Cole / Sam Eccles
Crown Counsel

TO: The Registrar, Waitangi Tribunal
AND TO: Claimant Counsel